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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,811	02/06/2002	Lori Greiner	13345.45US01	8440

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EXAMINER

SZUMNY, JONATHON A

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/068,811	GREINER, LORI
	Examiner	Art Unit
	Jon A Szumny	3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 May 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-52,54-75,78-81,83-85,87-91,93 and 94 is/are pending in the application.
- 4a) Of the above claim(s) 1-43,45-49,72-74,89 and 90 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 44,50-52,54-71,75,78-81,83-85,87,88,91,93 and 94 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \*    c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/10/04
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

This is the fifth office action for application number 10/068,811, Jewelry Organizer, filed on February 6, 2002.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claim 50 recites the limitation "the plurality of lift out drawers" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 50, 51 and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 2,286,427 to Levensten in view of U.S. Patent number 5,941,255 to Chen, and further in view of U.S. Patent number 2,995,409 to Simonsen.

Levensten '427 teaches an wood organizer (figure 1, column 1, line 35) comprising a top section (figure 1) with a lid (2) and a compartment (figure 1), a middle section (figure 1) located under the top section and having a compartment/plurality of drawers (figure 1), and a bottom section (figure 1) located under the middle section. However, Levensten '427 fails to specifically teach the top section to have a lift out drawer/plurality of drawers that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each

drawer, and a lid pivotally connected to the top section covering the plurality of drawers when the lid is closed and revealing the drawers when the lid is open, wherein the drawers move independently of the lid.

Chen '255 teaches an organizer (figure 3) including a top section with a plurality of lift out drawers (20) that can pivot/slide from a position within the organizer to a position outside the organizer, wherein a lid (16) is pivotally connected to the top section and moves independently from the drawers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the top section of Levensten '427 as in Chen '255 so as to have a lift out drawer/plurality of drawers wherein the drawers are covered by an independently movable lid that inherently moves in a direction that is substantially transverse in the direction of movement of the drawers in order to increase the utility and adjustability of the organizer of Levensten '427 so as to appeal to a greater number of users. Moreover, however, Levensten '427 in view of Chen '255 further fail to specifically teach the drawers to be a plurality of drawers that are stacked on one another. Nevertheless, Simonsen '409 divulges an organizer (figure 1) having top and middle sections (figure 1) wherein the top section has a lift out drawer/plurality of drawers that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the drawers of Levensten '427 in view of Chen '255 as in Simonsen '409 so as to be lift out drawers/plurality of drawers that in a first position are stacked on the other and in a second position are slid

out to an extended position to expose the interior of each drawer so as to further increase the utility and adjustability of the organizer of Levensten '427 so as to appeal to an even greater number of users.

Claims 52, 55, 57, 67, 71 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 2,286,427 to Levensten in view of Chen '255.

Levensten '427 teaches an wood organizer (figure 1, column 1, line 35) comprising a top section (figure 1) with a lid (2) and a compartment (figure 1), a middle section (figure 1) located under the top section and having a compartment/plurality of drawers (figure 1), and a bottom section (figure 1) located under the middle section. However, Levensten '427 fails to specifically teach the top section to have a lift out drawer that moves from a closed to an open position and an independently movable lid pivotally connected to the top section covering the drawer when the lid is closed and revealing the drawer when the lid is open.

Chen '255 teaches an organizer (figure 3) including a top section with a plurality of lift out drawers (20) that can pivot/slide from a position within the organizer to a position outside the organizer, wherein a lid (16) is pivotally connected to the top section and moves independently from the drawers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the top section of Levensten '427 as in Chen '255 so as to have a lift out drawer/plurality of drawers wherein the drawers are covered by an independently movable lid that inherently moves in a direction that is substantially transverse in the direction of

movement of the drawers in order to increase the utility and adjustability of the organizer of Levensten '427 so as to appeal to a greater number of users.

Claims 52, 55 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 6,045,202 to Simon in view of Chen '255.

Simon '202 discloses an organizer (figure 1) comprising a top section (figure 1) with a lid (14) and a compartment (figure 1), a middle section (figure 1) located under the top section and having a compartment/drawer (figure 1), and a bottom section (figure 1) located under the middle section. However, Simon '202 fails to specifically teach the top section to have a lift out drawer (and/or a second lift out drawer) that moves from a closed to an open position and an independently movable lid pivotally connected to the top section covering the drawer when the lid is closed and revealing the drawer when the lid is open.

Chen '255 teaches an organizer (figure 3) including a top section with a plurality of lift out drawers (20) that can pivot/slide from a position within the organizer to a position outside the organizer, wherein a lid (16) is pivotally connected to the top section and moves independently from the drawers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the top section of Simon '202 as in Chen '255 so as to have a lift out drawer/plurality of drawers wherein the drawers are covered by an independently movable lid in order to increase the utility and adjustability of the organizer of Levensten '427 so as to appeal to a greater number of users.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Chen '255, and in the alternative, over Simon '202 in view of Chen '255, and further in view of U.S. Patent number 1,600,830 to Lewis.

Simon '202 in view of Chen '255 teach the previous invention, and further show the teaching of a mirror (figure 1) on the inner surface of the lid. However, the mirror might not be interpreted as being such. Nevertheless, Lewis '830 reveals an organizer (figure 1) with a top section with a lid (20) having a mirror (42) on an inner surface thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a mirror on the inner surface of the lid of Simon '202 in view of Chen '255 in order to increase the utility of the organizer by providing a convenient location for a mirror.

Claims 56, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Chen '255, and further in view of U.S. Patent number 4,511,041 to Waitzman.

Simon '202 in view of Chen '255 teach the previous invention failing to specifically reveal the top and middle sections to be lined with an anti-tarnish cloth. However, Waitzman '041 discloses the use of an organizer where a tray/drawer/compartment is lined with an anti-tarnish cloth (column 1, lines 31-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have lined the drawer(s)/compartment(s) of the top and middle sections with an anti-tarnish cloth so as to protect articles placed within the organizer from damage or marring.

Claims 58-60, 62, 70 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Chen '255, and further in view of U.S. Patent number 2,268,637 to Bernstein.

Levensten '427 in view of Chen '255 teaches the previously described invention, wherein the interior spaces/compartments can be partitioned (column 4, lines 61-65), but fail to specifically show the drawer/compartment/lift out drawer/middle section to include a plurality of removable/adjustable dividers hence dividing the drawer/compartment/lift out drawer/middle section into smaller sections/areas/compartments. However, Bernstein '637 discloses a compartment/drawer (18) with a plurality of removable/adjustable dividers (figure 4) located therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of removable dividers in the drawer/compartment/lift out drawer/middle section of Levensten '427 in view of Chen '255 as in Bernstein '637 so as to divide the drawer/compartment/lift out drawer/middle section into smaller sections/areas/compartments in order to allow objects or items located within the drawer/compartment/lift out drawer/middle section to be conveniently organized hence providing for a more orderly organizer.

Claims 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Chen '255, and further in view of British Application number 2,217,298 to Wood.

Simon '202 in view of Chen '255 teach the previous invention failing to specifically teach the lift out drawer to comprise a ring platform therein. However, Wood

'298 teaches an organizer (figure 1) with a drawer/compartment including a ring platform (8) therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a ring platform as in Wood '298 in the lift out drawer of Simon '202 in view of Chen '255 so as to increase the utility of the organizer and allow rings and other similar jewelry to be conveniently stored and displayed within the organizer.

Claims 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon '202 in view of Chen '255, and further in view of U.S. Patent number 1,131,713 to Kramer.

Simon '202 in view of Chen '255 divulge the previous invention failing to specifically teach a secret compartment to be located on the back of the organizer. However, Kramer '713 teaches an organizer (figure 1) with a "secret" compartment (figure 2, lines 32-34) on a backside thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a secret compartment on a backside of the organizer of Simon '202 in view of Chen '255 as in Kramer '713 so as to increase the utility of the organizer by providing for more storage for objects and items.

Claims 44 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of U.S. Patent number 1,369,577 to Townley.

Regarding claim 44, Levensten '427 in view of Chen '255, and further in view of Simonsen '409 disclose the previous invention failing to specifically teach the middle

section to have a pair of doors that can be pivoted to an open position to expose the plurality of drawers and to a closed position to conceal the plurality of doors. However, Townley '577 teaches an organizer (figure 1) including a top section and a middle section with a plurality of stacked drawers (18) with pivotal doors (13,14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the door of Levensten '427 in view of Chen '255, and further in view of Simonsen '409 with a pair of pivotal doors as in Townley '577 so as to provide for a more asthetically pleasing organizer in addition to providing for an alternate drawer concealing means.

With respect to claim 87, Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Townley '577 teach the previous invention failing to specifically teach a bar to be located on an inner surface of the door of the middle section. However, Townley '577 teaches the inner surface of the door to have a bar (figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a bar on the inner surface of the door so as to increase the utility of the organizer by providing a convenient location to hang an object or item.

Claims 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Chen '255, and further in view of U.S. Patent number 1,369,577 to Townley.

Regarding claim 68, Levensten '427 in view of Chen '255 disclose the previous invention failing to specifically teach the middle section to have a pair of doors that can

be pivoted to an open position to expose the plurality of drawers and to a closed position to conceal the plurality of doors. However, Townley '577 teaches an organizer (figure 1) including a top section and a middle section with a plurality of stacked drawers (18) with pivotal doors (13,14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the door of Levensten '427 in view of Chen '255 with a pair of pivotal doors as in Townley '577 so as to provide for a more asthetically pleasing organizer in addition to providing for an alternate drawer concealing means.

Regarding claim 69, Levensten '427 in view of Chen '255, and further in view of Townley '577 teach the previous invention failing to specifically teach a bar to be located on an inner surface of the door of the middle section. However, Townley '577 teaches the inner surface of the door to have a bar (figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a bar on the inner surface of the door so as to increase the utility of the organizer by providing a convenient location to hang an object or item.

Claims 78, 79, 88 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of U.S. Patent number 1,369,577 to Townley, and further in view of Bernstein '637.

Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Townley '577 teach the previously described invention, wherein the

interior spaces of the drawers can be partitioned (at 80L, 80R), but fail to specifically show the drawer/compartment/lift out drawers/middle section to include a plurality of removable/adjustable dividers hence dividing the drawer/compartment/lift out drawers/middle section into smaller sections/areas/compartments. However, Bernstein '637 discloses a compartment/drawer (18) with a plurality of removable/adjustable dividers (figure 4) located therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of removable dividers in the drawer/compartment/lift out drawers/middle section of Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Townley '577 as in Bernstein '637 so as to divide the drawer/compartment/lift out drawers/middle section into smaller sections/areas/compartments in order to allow objects or items located within the drawer/compartment/lift out drawers/middle section to be conveniently organized to a user's preference hence providing for a more orderly organizer.

Claims 80 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of U.S. Patent number 1,369,577 to Townley, and further in view of Waitzman '041.

Levensten '427 in view of Chen '255, and further in view of Simonsen '409 and further in view of Townley '577 teach the previous invention failing to specifically reveal the top and middle sections to be lined with an anti-tarnish cloth. However, Waitzman '041 discloses the use of an organizer where a tray/drawer/compartment is lined with an anti-tarnish cloth (column 1, lines 31-34). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to have lined the drawer(s)/compartment(s) of the top and middle sections of Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Townley '577 with an anti-tarnish cloth so as to protect articles placed within the organizer from damage or marring.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of U.S. Patent number 1,369,577 to Townley, and further in view of Lewis '830.

Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Townley '577 teach the previous invention failing to teach a mirror to be located on an interior of the lid. Nevertheless, Lewis '830 reveals an organizer (figure 1) with a top section with a lid (20) having a mirror (42) on an inner surface thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a mirror on the inner surface of the lid of Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Townley '577 in order to increase the utility of the organizer by providing a convenient location for a mirror to view objects.

Claims 84 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Townley '577, and further in view of Kramer '713.

Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Townley '577 divulge the previous invention failing to specifically teach

a "secret" compartment to be located on the back of the organizer. However, Kramer '713 teaches an organizer (figure 1) with a "secret" compartment (figure 2, lines 32-34) on a backside thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a secret compartment on a backside of the organizer of Levensten '427 in view of Chen '255, and further in view of Simonsen '409, and further in view of Townley '577 as in Kramer '713 (there would in fact be room in the organizer of Levensten '427 since the drawers 6 are of varying depths (column 2, lines 20-21)) so as to increase the utility of the organizer by providing for more storage for objects and items.

### ***Response to Arguments***

Applicant's arguments filed May 10, 2004 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 44, 50-52, 54-71, 75, 78-81, 83-85, 87, 88, 91, 93 and 94 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

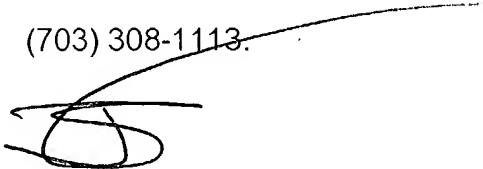
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny  
Patent Examiner  
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July 13, 2004



ANITA KING  
PRIMARY EXAMINER